

2011

LRB-1187



Making of "/>PI"

Jan. 23rd - 29th,
2011

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1/25/11 mtg w/ DOA & UW-Madison's ofc.

David Russell

IR authority

w/ sovereign immunity

{ start
need \$

to get to begin

intuition : need flexibility & array, not off 7/1/12

staff compensation :

remove all classification rate. via coll. bargaining
not state ex's? - b/c, for HR purposes
keep tenure system

procurement : we'll get more info.

construction :

state lab of hygiene : transfer to authority,
keep existing as is (w/govt)

"New placeholder"

off date : at least a year 7/1/12
not b/c now & inst. staff like
staff comp

etc.

it systems - BJR owns - ?

etc.

oppose : just one GPR

some debt service? (ex. dental school op.)

SJR s. 895.4.b state liability

ex's = agents of state

wants to still have caps 250,000, 15%
and still use DOJ services? (got not one of this)
No



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uw officials at
1/25/11
Dot meeting



Darrell Bazzell
Vice Chancellor for Administration

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+ 16.54(89)

<u>Subject Matter</u>	<u>Area</u>	<u>Statute</u>
State agency Definition		1.12(1)(bf) 13.172(1) 13.62(2) 40.02(28) DPAc : 40.02(36) DPAc : (read 40.02(28) instead)
Included Expend state appropriated funds		13.48(10)(b)6 13.48(12)(b)5 16-85(2) 13.48(13)(a)
Included Lobbying rules		
Included Public Employee Trust Fund		
Included Public Employee Trust Fund definitions		
	<u>Buildings</u>	
Exempt Approval of building commission on project over \$150,000	Buildings	
Exempt Approval of building commission to build privately operated facility on state-owned land	Buildings	
Exempt DOA provides engineering and architectural services when needed	Buildings	
Included Buildings built for state-use must not comply with local ordinances or regulations, only state-level	Buildings	
	<u>Taxation</u>	
	Taxation	10.11(38) 11.26(1)(be) 17.54(9a)(a)
	<u>Accounting</u>	
	Property tax exemption	16.52(7) 16.528(1)(a)
Included Income tax exemption	Income tax exemption	16.53(2) 16.54(9)(a)1
Included Sales tax exemption	Sales tax exemption	16.865(8)
		20.192
		20.280
		11340
<u>Subject Matter</u>	<u>Area</u>	<u>Statute</u>
Transparency	Transparency	16.002(2) 16.004(12)(et) 13.94 13.95
Exempt Rules on surveillance of employees	Transparency	16.004(12)(et) 13.94 13.95
Exempt LAB Audits	Transparency	16.004(4)
Included LFB access	Transparency	16.004(5)
Included DOA can examine accounting anytime	Transparency	
Included All agencies shall comply with DOA requests	Transparency	

✓
confirm
this

Included Accounting procedures as described by DOA
Included Ethics code for public officials

Exempt Payment for extraordinary police service
Exempt Women's Council
Exempt Gasohol, alternative fuels, hybrid usage
Exempt Resource reduction and recycling program to reduce solid waste
Included Cannot purchase mobile air conditioners with ozone depleting chemicals
Included Cannot use or service an ozone-depleting refrigerant

Program

Transparency
Transparency

16.41(4)
16.42 → not checked
so check
(16.008(2D)) → check
(16.01(1)(b)) → check
16.02(5)(1)(a)
16.15(1)(ab)
106.45(1)(m)
101.127(4)(d)

Nondiscrimination

Included Include nondiscrimination obligation in all contracts
Included Specific text of nondiscrimination language for contracts
Included Obtaining compliance for nondiscrimination from contractors
Included DOA can delegate authority to investigate discrimination to agencies and authorities
Included Describes agencies that need to undertake action when discrimination exists
Included Take immediate steps to prevent further discrimination
Included If violations persist, can complete contract or terminate

Employment

Exempt Limitations on dual employment
Exempt Office State Employment Relations personnel procedures
Included WEDC can choose to participate in WRS
Included Public employee safety and health laws (OSHA)
Included Wage rate on state work

16.447(1)(a)
230.03(3)
40.02(5)(1)(m)
104.055 → not checked
103.40 → not checked

clarify

1/25/11
DOA doc.

ANOTHER SUMMARY OF UW MADISON (UWM) INITIATIVE

Overall status: Create UW Madison as a public authority

Tuition authority: No specific limits on tuition increases, but include language that UWM shall maintain a tuition level that is consistent with the goal of providing broad access for Wisconsin students.

Staff compensation: No limits on employee compensation, but require the same level of employee contributions to WRS and health care as for state employees (regardless of how the employee's compensation is funded).

Procurement:

- Lift the ceiling on the DOA procurement oversight from \$25,000 to \$50,000.
- Develop a list of specific items (specialized purchases unique to higher education/research) that would be completely exempt from DOA procurement requirements – not sure this needs to be in statute.

Construction:

- Complete authority to manage projects fully funded from non-state sources, including the use of design/build. These projects would still be enumerated/voted on by the Building Commission. UW keeps 4% fee related to these projects.
- General fund supported projects would continue as under current law.
- Raise the cap on remodeling projects to \$500,000.

Employee Status: Employees would no longer be state employees, but would be required to participate in WRS and the state health insurance program (and other ETF programs?)

State Lab of Hygiene/Veterinary Diagnostic Lab

- No decision
- Issue: Was one of the conditions for accreditation of the VDL that it be attached to a university?

Impact of constitutional provision:

How does Article X, Section 6 limit the creation of a public authority and employee status (state or non-state)?

Provision shall be made by law for the establishment of a state university at or near the seat of state government, and for connecting with the same, from time to time, such colleges in different parts of the state as the interests of education may require. The proceeds of all lands that have been or may hereafter be granted by the United States to the state for the support of a university shall be and remain a perpetual fund to be called "the university fund," the interest of which shall be appropriated to the support of the state university, and no sectarian instruction shall be allowed in such university.

*recd from UW at
1/25/11 DOT meeting*

University of Virginia

Board of Visitors

16 members

All appointed by Gov, subject to confirmation by VA Senate and House

Serve 4 year terms; may be appointed for additional 4 year term

13 of 16 must be from state at large

Not more than 3 may be appointed from alumni living outside of state

11 of 16 must be alumni

Appointments: alumni association proposed 3 names to Governor. Names are advisory only—Gov can appoint anyone.

Board may appoint 1 non-voting student member for a one terms. Student has limited participation.

http://www.virginia.edu/bov/meetings/BOV%20Manual/2004%20Manual_BOV.pdf

University of Michigan

Board of Regents

8 members

Elected at large in biennial state-wide election

President serves as ex-officio member

Serve for overlapping terms of 8 years.

Penn State

Board of Trustees

32 members composed of:

5 ex-officio: President of University, Governor, State secretaries of departments of Agriculture, Education and Conservation and Natural Resources.

6 appointed by Governor (2 year terms; up to 3 terms)

9 elected by alumni (3 elected each year; 3 year terms)

6 elected by organized agricultural societies

6 elected by Board of Trustees representing business and industry endeavors

<http://www.psu.edu/trustees/selection.html>

Cornell

Board of Trustees

64 members composed of:

4 ex-officio: Governor; temporary president of the Senate; speaker of the assembly; President of the University

One life trustee: eldest lineal descendant of Ezra Cornell

3 appointed trustees: Governor appoints 3 trustees for 3 year term

56 Board trustees: 2 members of each of agriculture, business and labor in NY; 8 elected among and by the alumni; 2 elected among and by faculty at Ithaca and Geneva; 2

elected among and by student body at Ithaca; 1 among and by nonacademic staff at Ithaca and Geneva

University of Minnesota

Board of Regents

12 member board

Legislature elects one regent from each of the 8 congressional districts and 4 from state at large; one at large member must be a student at time of election

President is ex-officio

Members serve 6 year terms

University of Illinois

Board of Trustees

13 members, 11 with official votes

9 members appointed by Governor for 6 year term

3 students elected for one year term; one student appointed by Governor with voting rights

Governor is ex-officio

Purdue

Board of Trustees

10 members

3 selected by alumni, one must be graduate of school of agriculture; all must be graduates of Purdue

7 selected by Governor; 2 must be involved in agriculture pursuits; one must be a student

All serve 3 year terms except student who serves 2 year term

University of Iowa

Board of Regents

9 members

Appointed by Governor and approved by Senate

Serve staggering 6 year terms

One member is full time student

Not more than 5 members can be of same political party

University of California

Board of Regents

18 members

7 ex-officio: Governor; Lieutenant Governor; Speaking of the Assembly; Superintendent of Public Instruction; present and vice present of alumni association and UC president

Appointed by Governor for 12 year terms (student appointed for 1 year term)

Kunkel, Mark

From: Kunkel, Mark
Sent: Wednesday, January 26, 2011 10:17 AM
To: Hanaman, Cathlene; Grant, Peter
Subject: RE: Budget request: UW Madison Authority

LRB-0981

The changes are limited to the University of Wisconsin Madison Authority, which will be removed from the UW System, so the changes should **not** apply to the UW System.

From: Hanaman, Cathlene
Sent: Wednesday, January 26, 2011 10:15 AM
To: Kunkel, Mark; Grant, Peter
Subject: RE: Budget request: UW Madison Authority

Do you have an LRB so I can do an insert?

Are these procurement changes just for the UW Madison authority or for the whole UW system?

From: Kunkel, Mark
Sent: Wednesday, January 26, 2011 10:13 AM
To: Hanaman, Cathlene; Kuesel, Jeffery
Cc: Grant, Peter
Subject: Budget request: UW Madison Authority

Peter and I have received a budget request to separate the UW Madison from the rest of the UW System by create an authority, governed by a board of trustees, for the UW Madison.

We received the following instructions for procurement and construction. I'm sending this email to you because I assume that Cathlene does procurement and Jeff does construction. Is there any additional clarity or info that you need from DOA in order for us to include the following provisions in the draft?

The following language is from DOA, so if you're not sure what it means, I can't help you and we should contact DOA.

Procurement:

- Lift the ceiling on the DOA procurement oversight from \$25,000 to \$50,000.
- Develop a list of specific items (specialized purchases unique to higher education/research) that would be completely exempt from DOA procurement requirements -- not sure this need to be in statute.

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- Complete authority to manage projects fully funded from non-state sources, including the use of design/build. These projects would still be enumerated/voted on by the Building Commission. UW keeps 4% fee related to these projects.
- General fund supported projects would continue as under current law.
- Raise the cap on remodeling projects to \$500,000.

Kunkel, Mark

From: Kuesel, Jeffery
Sent: Wednesday, January 26, 2011 10:44 AM
To: Kunkel, Mark
Cc: Hanaman, Cathlene; Grant, Peter
Subject: RE: Budget request: UW Madison Authority

Mark,

This is going to be somewhat involved. It will potentially involve setting up a series of innovative statutes that parallel our existing statutes although they will be less detailed and more sweeping. The existing statutes will need to be amended to partially exempt the UW- Madison. This may be complicated because the UW-Madison will no longer be a state agency and will not be considered a part of the state. Do you have a contact at DOA for questions?

How do you want this drafted, as a stand-alone budget draft or as an insert to some other budget draft?

Jeff

From: Kunkel, Mark
Sent: Wednesday, January 26, 2011 10:13 AM
To: Hanaman, Cathlene; Kuesel, Jeffery
Cc: Grant, Peter
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Kunkel, Mark

From: Hanle, Bob - DOA [bob.hanle@wisconsin.gov]

Sent: Wednesday, January 26, 2011 10:50 AM

To: Grant, Peter; Kunkel, Mark

Subject: Capital budgeting

When you get to capital budgeting language, the restructured UW Madison would be delegated authority to manage construction projects paid for entirely by gift and grant funds. Otherwise, current law applies (I'm not sure how much of the capital budgeting process is in statute). The document I handed out yesterday used the term "non-state" funds. It should have read "gift & grant" funds.

*Bob Hanle, Team Leader
State Budget Office
101 E. Wilson St. -- 10th Floor
P.O. Box 7864
Madison, WI 53707-7864
(608) 266-1037*

Kunkel, Mark

From: Rutherford, Lisa [LRUTHERFORD@vc.wisc.edu]

Sent: Wednesday, January 26, 2011 11:19 AM

To: Grant, Peter

Cc: Kunkel, Mark

Subject: RE: UW orders and opinions

Hi Peter:

System has Regent policies and System policies, both which pertain to us. I would anticipate none of those pertaining in the future so that our Board could draft its own. Let me determine if there are any we need to save during the transition process and get back to you on that.

Are you free this afternoon for a teleconference? We are working on the 36 provisions and want to discuss how to best work together.

Thanks. Lisa

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]

Sent: Wednesday, January 26, 2011 11:10 AM

To: Rutherford, Lisa

Cc: Kunkel, Mark

Subject: UW orders and opinions

Lisa, does the UW System issue orders that should be transferred to the board of trustees until modified or rescinded by the board of trustees? Does the UW System issue opinions that should be transferred to the board of trustees until modified or withdrawn by the board of trustees?

Thanks -

Peter

Kunkel, Mark

From: Rutherford, Lisa [LRUTHERFORD@vc.wisc.edu]**Sent:** Wednesday, January 26, 2011 11:38 AM**To:** Grant, Peter**Cc:** Kunkel, Mark**Subject:** RE: UW orders and opinions

Sorry--I didn't read your message carefully--just looked at the times! Yes, 2:30 is just fine. Will call then.

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]**Sent:** Wednesday, January 26, 2011 11:37 AM**To:** Rutherford, Lisa**Cc:** Kunkel, Mark**Subject:** RE: UW orders and opinions

No, between 2 and 2:30 is not good. Is 2:30 OK for you?

Yes, the number on my card is my direct number.

From: Rutherford, Lisa [mailto:LRUTHERFORD@vc.wisc.edu]**Sent:** Wednesday, January 26, 2011 11:32 AM**To:** Grant, Peter**Subject:** RE: UW orders and opinions

Thanks, Peter. I will call you at 2. Is the number on your business card the one I should use??

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]**Sent:** Wednesday, January 26, 2011 11:27 AM**To:** Rutherford, Lisa**Subject:** RE: UW orders and opinions

We're both free this afternoon except between 2 and 2:30. Let me know what time you want to call and we can both be in my office at that time.

Peter

From: Rutherford, Lisa [mailto:LRUTHERFORD@vc.wisc.edu]**Sent:** Wednesday, January 26, 2011 11:19 AM**To:** Grant, Peter**Cc:** Kunkel, Mark**Subject:** RE: UW orders and opinions

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Sent: Wednesday, January 26, 2011 11:10 AM

To: Rutherford, Lisa

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Thanks -

Peter

Kunkel, Mark

From: Rutherford, Lisa [LRUTHERFORD@vc.wisc.edu]

Sent: Wednesday, January 26, 2011 11:46 AM

To: Kunkel, Mark

Cc: Grant, Peter

Subject: RE: Sovereign immunity issue

Hi Mark:

We will talk this through at 2:30. We will work on a summary for you.

Lisa

From: Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]

Sent: Wednesday, January 26, 2011 9:40 AM

To: Rutherford, Lisa

Cc: Grant, Peter

Subject: Sovereign immunity issue

Lisa:

I haven't looked at sovereign immunity issues before, and based on yesterday's meeting, it looks like you've done some research on this issue.

If it isn't too much trouble, can you provide us with summary of your conclusions on this issue? Given the time deadlines that we will be under, your conclusions would be helpful as we begin to look at the issue and try to determine what, if anything, the draft needs to include to make sure that we achieve your intent on this issue.

Thanks,

-- Mark

Kunkel, Mark

From: Grant, Peter
Sent: Wednesday, January 26, 2011 1:50 PM
To: 'Rutherford, Lisa'; Hanle, Bob - DOA
Cc: Kunkel, Mark

Lisa and Bob,

Did I say at yesterday's meeting that we could just transfer the state lab of hygiene board to the authority? If so, I misspoke. I forgot a fairly minor point, that the authority is an authority and not a state agency. Doesn't make sense to have a board created in or attached to the authority under s. 15.03. So let me know what you want to do with it. If you want to move it to the authority, we could eliminate the state lab board, eliminate its appropriations, direct the authority to establish it, and move most of the language in 36.25 (11) to ch. 37. If you want to keep it in the system, we could leave it as is and direct the board of trustees to lease space to the system to house the lab. There are probably other alternatives....but I can't think of any right now.

Peter

Kunkel, Mark

From: Hanle, Bob - DOA [bob.hanle@wisconsin.gov]

Sent: Wednesday, January 26, 2011 3:16 PM

To: Grant, Peter; Rutherford, Lisa

Cc: Kunkel, Mark; Boggs, Breann C - DOA

Subject: RE:

You're suggesting to attach it to the Board of Regents rather than UW Madison to which it is attached under current law [36.25(11)(a)]

*Bob Hanle, Team Leader
State Budget Office
101 E. Wilson St. -- 10th Floor
P.O. Box 7864
Madison, WI 53707-7864
(608) 266-1037*

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]

Sent: Wednesday, January 26, 2011 1:50 PM

To: Rutherford, Lisa; Hanle, Bob - DOA

Cc: Kunkel, Mark - LEGIS

Subject:

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Peter

Kunkel, Mark

From: Grant, Peter
Sent: Wednesday, January 26, 2011 3:17 PM
To: Hanle, Bob - DOA
Cc: Kunkel, Mark
Subject: Real property and lab of hygiene

Bob, we spoke to Lisa this afternoon, and if it's OK with DOA, she would like the draft to incorporate the state lab of hygiene and the diagnostic lab in the authority. That would mean eliminating the board, eliminating the approps, transferring the lab to the authority (which, by the way, they would like to call the University of Wisconsin, not the University of Wisconsin Madison), and moving most of the language about the lab in ch. 36 to ch. 37. OK? (Lisa's first choice would be to somehow attach the board to the authority under s. 15.03, but I don't think that works.)

Second, can you determine if the draft needs to transfer buildings or land currently titled in the Bd of Regents to the authority? If DOA has title, I don't think we need to say anything in the draft. (Well, maybe we need to transfer "custody" of the buildings?) Anyway, let me know what you find out. Thanks.

Peter

Kunkel, Mark

From: Grant, Peter
Sent: Wednesday, January 26, 2011 3:23 PM
To: Hanle, Bob - DOA
Cc: 'Rutherford, Lisa'; Kunkel, Mark
Subject: RE:

The state lab of hygiene is not attached to UW-Madison under current law. It's created in the UW System. See s. 15.915 (2). (The use of "attached" in 36.25 (11) (a) does not mean "attached" under 15.03.) The diagnostic lab board *is* attached to the UW System under 15.03; see 15.915 (1).

So no, I'm not suggesting that the hygiene lab be attached to the board of regents. See my earlier email regarding our conversation with Lisa about this issue. All will be perfectly clear!

Peter

From: Hanle, Bob - DOA [mailto:bob.hanle@wisconsin.gov]
Sent: Wednesday, January 26, 2011 3:16 PM
To: Grant, Peter; Rutherford, Lisa
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Cc: Kunkel, Mark - LEGIS
Subject:

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Peter

Grant, Peter

From: Hanle, Bob - DOA [bob.hanle@wisconsin.gov]

Sent: Wednesday, January 26, 2011 3:24 PM

To: Grant, Peter

Subject: RE: Real property and lab of hygiene

Sounds good to me. However, I was hoping to rename it the University of New Jersey in honor of an initiative of the Pail and Shovel Party (remember them?) and my home state.

Regarding the building transfer issue, I'll check on who has title. I'm all for simplifying the draft where possible.

*Bob Hanle, Team Leader
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Peter

Kunkel, Mark

From: Rutherford, Lisa [LRUTHERFORD@vc.wisc.edu]
Sent: Wednesday, January 26, 2011 6:21 PM
To: Grant, Peter; Kunkel, Mark
Subject: sovereign immunity and liability provisions
Attachments: Non-ch 36 immunity and liability provisions table.doc

Hi Peter and Mark:

Attached are the statutes we believe need modified in order to ensure us sovereign immunity and liability coverage.

Had hoped to send you some spreadsheet provisions tonight but that won't happen until tomorrow.

Lisa

Lisa H. Rutherford
Director
Administrative Legal Services
University of Wisconsin-Madison
361 Bascom Hall
500 Lincoln Drive
Madison, WI 53706-1380
voice: (608) 263-7400
fax: (608)263-4725

CONFIDENTIAL ATTORNEY COMMUNICATION

Non-Chapter 36 Immunity and Liability Provisions

Cite	Subject	Requested Change
895.46	liability of state employees and agents	<p>Add a subsection specifically setting forth coverage for UW-Madison, similar to other provisions in the statute extending its coverage to certain entities, such as a nonprofit corporation operating a museum and local emergency planning committees. Presuming UW-Madison employees and agents become employees and agents of a Board of the university, we propose the following:</p> <p>(1)(f) All officers, directors, employees and agents of the Board of the University of Wisconsin-Madison are state officers, employees or agents for purposes of this subsection.</p>
893.82	notices of claim; damage caps	<p>Add an additional subsection under (2)(d) specifically setting forth its applicability to UW-Madison. Again, presuming UW-Madison employees and agents become employees and agents of a Board of UW-Madison, we propose the following:</p> <p>(2)(d) "State officer, employee or agent" includes any of the following persons:</p> <p>... 4. All officers, directors, employees and agents of the Board of the University of Wisconsin-Madison.</p>
16.865(8)	State of Wisconsin risk fund	<p>Include specific language within sec. 16.865(8) clearly denoting UW-Madison as included within the definition of an "institution of higher education".</p>
New provision	State treasurer role	<p>Add provision similar to sec. 36.07(3) to new chapter establishing the Board for UW-Madison. It should state that "the state treasurer shall be the treasurer of the Board for the University of Wisconsin-Madison" for those funds which will be held by the State on behalf of UW-Madison (i.e. that part of UW-Madison's budget paid by the State from GPR funds).</p>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1/27/11

Brean (DOA) :

leave st. lab & diagnostic lab approps

(i.e. move 'em to 20-280)

~~██████████~~

GPR & PR

Kunkel, Mark

From: Grant, Peter
Sent: Thursday, January 27, 2011 9:33 AM
To: 'Rutherford, Lisa'
Cc: Kunkel, Mark; Hanle, Bob - DOA

Thanks, Lisa., for the liability and immunity provisions.

Yesterday, I mentioned that in looking at how the UWHCA was created, I noticed that all the transfers (of contracts, assets and liabilities, property, etc.) were handled jointly by the chancellor and the chairperson of the authority. If they disagreed, the secretary of DOA resolved the dispute. Upon closer inspection, however, I realized that the procedure worked because there was a one year delay in the effective date of the transfers. The procedure won't work in our case because all the transfers have to occur on the effective date of the budget bill, and the UW authority board won't even exist until sometime after that. So, at least for now, I'm sticking with the other method, which authorizes the DOA secretary to determine the assets, property, etc., that are transferred. Hope that's OK.

Peter

Kunkel, Mark

From: Grant, Peter
Sent: Thursday, January 27, 2011 10:56 AM
To: 'Rutherford, Lisa'
Cc: Kunkel, Mark
Subject: Immunity/liability

Lisa, in 895.46, I think it might be better to create sub. (10) instead of (1) (f). Sub. (10) would read something like, " An officer, employee, or agent of the University of Wisconsin Authority is a state officer, employee, or agent for purposes of this section." That way you're covered by subs. (3), (6), and (9) as well as sub. (1). What do you think?

I toyed with "The protection afforded by this section applies to...." but I don't think that's as clear as stating that authority employees are state employees under this section. (I mean, what does "protection" mean?)

Peter

Kunkel, Mark

From: Grant, Peter
Sent: Thursday, January 27, 2011 1:59 PM
To: Kunkel, Mark
Subject: Federal money

Look at 16.54, and subs. (8g) and (8r). Maye we need subs. like those for the authority, and then a fed appropriation as well for fed money that the state gets and wants to appropriate to the authority. But I'm sure that this will all be in the spreadsheets we get from Lisa.

Kunkel, Mark

From: Rutherford, Lisa [LRUTHERFORD@vc.wisc.edu]

Sent: Thursday, January 27, 2011 6:43 PM

To: Grant, Peter; Kunkel, Mark

Cc: Hanle, Bob - DOA

Subject: FW: Attached Ch 36 spreadsheets

Attachments: 36_01 to 36_09 Reviewed.xlsx; 36_17 to 36_36 Reviewed.xls; 36_12 to 36_15 Reviewed.xlsx;
36_37 to 36_63 Reviewed.xls

Hi Peter and Mark:

Here are spreadsheets on most of Chapter 36. As you will see, we attempted to identify what needs to be kept/deleted from current Chapter 36 as well as what should be included in Chapter 37 (some with suggested rewrite). Some lines are blank as we are still trying to figure out what to do with it. In addition, we haven't completed sections 36.11 and 36.25 as of this moment. We will get more to you as soon as we have it.

We also are working on your questions and I will send information as soon as we have it.

Thanks. Lisa

From: Wilson, Lisa A

Sent: Thursday, January 27, 2011 6:36 PM

To: Rutherford, Lisa

Subject: RE: Attached Ch 36 spreadsheets

With draft dates

From: Wilson, Lisa A

Sent: Thursday, January 27, 2011 6:23 PM

To: Rutherford, Lisa

Subject: Attached Ch 36 spreadsheets

Attached are those spreadsheets that we have reviewed and added comments from UC today.

Lisa A. Wilson
University Legal Counsel
University of Wisconsin-Madison
500 Lincoln Drive, Bascom Hall Rm 361
Madison, WI 53706
Office: 608-262-2668
Cell: 608-212-8015
Fax: 608-263-4725
lwilson@vc.wisc.edu

Ch. 36 Cite	Subject	Changes to Ch. 36	Add to New Ch. 37
36.01	Purpose and Mission		
1	Establishes system of higher education	Leave as is	
2	Establishes Mission of the System	Leave as is	
3	Creates University of Wisconsin System	Delete "and one university of the system"	
36.05	Definitions		
1	Academic Staff	Leave as is	
			Should read "Board of Trustees" or "Trustees" means the Board of Trustees of the University of Wisconsin. Note: everywhere in Chapter 36 that reads "Board" and will be adopted as is for Chapter 37 should replace "Board" with "Trustees".
2	Board of Regents of System	Leave as is	
3	Campus	Leave as is	Modify to change "an institution or the extension" to "the University".
5	Chancellor	Leave as is	Modify to change "an institution" to "the University".
6	Classified Staff	Leave as is	Do not add
6m	College campus	Leave as is	Do not add
7	Extension	Leave as is	Do not add
8	Faculty	Leave as is	Modify to change "institution" to "University", delete reference to s. 36.13 and change "academic staff" to "other employees".
9	Institution	Leave as is	Do not add
9m	Instructional Academic Staff	Leave as is	Do not add

		Leave as is	Do not add
9s Mainframe		Leave as is	Do not add
10 President		Leave as is	Modify to change "in any institution" to "at the University"
11 Student		Leave as is	Do not add
12 System		Leave as is	Change to "means the University of Wisconsin"
13 University		Leave as is	Do not add
14 University of Wisconsin Colleges		Leave as is	Modify to identify new Board of Trustees for University of Wisconsin
36.07 Corporate title, officers, meetings, records		Leave as is	Adopt as is
1 Corporate status and title		Leave as is	Adopt as is
2 Secretary		Leave as is	Adopt as is
3 Treasurer		Leave as is	Adopt as is
4 Meetings, Times, Notice		Leave as is	Adopt as is
5 Access to the Board		Leave as is	Adopt as is
6 Meetings and Records Public		Leave as is	Adopt as is
36.09 Responsibilities			Adopt but change "system" to "University", change "board" to "Trustees" and end after "pronounce rules for governing the University".
		Leave but clarify that relates to System schools only, i.e. ...for university education within the system...graduate training and research centers within the system....	
1 The Board of Regents			
(am) Consultation with Department of Commerce		Leave as is	Do not add
(b) Mission statements for institutions		Leave as is	Do not add
c Educational programs to be offered		Leave as is	Modify to change "in the system" to "at the University"
(d) Policies to guide program activities		Leave as is	Do not add
(e) Board to appoint			Modify to remove reference to president, VP and assist VP of system. Add appointment of state geologist, directors of lab of hygiene and psychiatric institute, and state cartographer. Remove limitations on fixing of salaries.
(f) Board delegate to chancellor		Leave as is	Modify to reference only chancellor for University
(gm) Creation of new colleges, schools, etc.		Leave as is	Do not add

(h) Allocation of funds and budgets	Leave as is	Do not add
Policies re funding of noninstructional student activities	Leave as is	Do not add
(hm)		
(i) Unclassified positions	Leave as is	Do not add
Board establishes salaries for unclassified staff	Leave as is	Do not add
(j)		
Board authority re academic staff	Leave as is	Do not add
(k)		
(L) Board - all powers necessary or convenient	Leave as is	Modify to replace "system" with "University"
2 The President	Leave as is	Do not add
		Modify subsection (a) to state that Trustees shall appoint a Chancellor who shall not be a member of the Trustees and who shall serve at the pleasure of the Trustees. Include all powers and responsibilities in (a) but modify to make relevant to just chancellor of the University. Modify subsection (b) to delete remainder of paragraph after "in the chancellor's absence".
3 The Chancellors authority	Leave as is	Modify to the singular faculty of the University, delete reference to president, and modify "institutional policy" to "University policy"
4 Faculty governance	Leave as is	Modify to state that "those employees who, prior to enactment of Ch 37, fell within the definition of academic staff in s. 36.05(1), subject to responsibilities and powers of the Trustees, the Chancellor and the faculty of the University, shall be active...[leave the rest of paragraph the same]". Add new sentence to state "The responsibilities described herein may be shared with other employees of the University as determined by the Trustees."
(4m) Academic Staff governance	Leave as is	Modify to refer to students of University and delete reference to president
5 Student governance	Leave as is	

Ch. 36 Cite	Subject	Changes to Ch. 36	Add to New Ch. 37
36.12 Student discrimination			
1 Discrimination Prohibited	Leave as is	Adopt as is	
Requires BOR to direct institutions to adopt policies & procedures to protect students;	Leave as is	Modify to change "institutions" to "University"	
Requires BOR to submit report to legislature	Delete - out of date X	Do not add	
3 regarding complaints;			
36.13 Faculty tenure and probationary appointments			
1 Definitions	Leave as is		
2 Appointments	Leave as is		
3 Rules	Leave as is		
4 Continuation of Appointment	Leave as is		
5 Procedural Guarantees	Leave as is		
6 Limitation	Leave as is		
		Adopt (1) and (2) with reference to Trustees; if appropriations continue then can keep (3).	
36.14 Wisconsin Distinguished Professorships	Leave as is		
36.15 Academic Staff Appointments			
1 Definitions			
	Leave as is	Do not add	
	Leave as is	Do not add	
	Leave as is	Do not add	
2 Appointments			
	Leave as is	Do not add	
2m Librarian Appointments			
3 Procedural Guarantees	Leave as is	Do not add	

Ch. 36 Cite	Subject	Changes to Ch. 36	Add to New Ch. 37
36.17 Limited Appointments		Leave as is	Do not add
1 Description of appointment		Leave as is	Do not add
2 Application		Leave as is	Do not add
36.19 Other Appointments		Leave as is	Give authority to Trustees to terminate appointments when financial emergency exists notwithstanding any other provisions in Ch. 37 which grant tenure or other rights to continuing employment. Adopt remainder two sentences as is with reference to Trustees.
36.21 Lapse of Appointments		Leave as is	Replace "regent" with "trustee"; replace "system" with "University".
36.23 Conflict of Interest		Leave as is	
36.25 Special Programs		See separate spreadsheet	
TUITION		All tuition provisions subject to revision based on flexibilities granted.	
36.27 Establishment	Limitation of Increase; classifications	Leave as is	Adopt (1)(a) to give authority to Trustees to establish and manage all aspects of tuition
am Increase academic fees		Leave as is	Do not add
b Elder Audit		Leave as is	Adopt as is
bm Report to Legislature		Leave as is	Do not add
c Master Level Charges		Leave as is	Do not add
2 Non-resident Tuition Exceptions		Leave as is	
a Declaration of Exception		Leave as is	
(a)-(cm) Exceptions		Leave as is	
2m Appeals		Leave as is	Adopt as is
3 Tuition Remissions		Leave as is	Adopt at is except delete reference to s. 20-285
(a)-(g) Remission Circumstances		Leave as is	

		Adopt but question regarding title - does this really mean "tuition" rather than "fee"?
3m	Fee Remission for Survivors	Leave as is
3n	Family of Veteran Remissions	Leave as is
3p	Veteran Remissions	Leave as is
	Remissions for Funeral Assistants	Leave as is
4	Tuition Award Program	Leave as is
5	Fee Statement	
a	State Funds Definition	Leave as is
b	Funding Statement	Leave as is
d	Segregated Fees Statements	Leave as is
36.29	Gifts, golf course	Leave as is
	Receipt and investment of gifts, grants and bequests	Leave as is
1	Acceptance and use of gifts, grants and bequests	Leave as is
2	Discretion to determine groups eligible to benefit from gifts, grants and bequests	Leave as is
3	Prohibition on commingling funds	Leave as is
4	Requires legislative approval to own or operate golf courses	Leave as is
5	Requires building commission approval to accept gifts of land over \$30,000	Delete reference to UW-Madison <i>(P)(b)</i> Do not add
6	Requires building commission or DOA approval to accept a gift of a building	Leave as is
7		Do not add

	Sick leave regulated by rules of 36.30 Board	Leave as is	Adopt except replace "persons holding positions..." with "all employees of the Board of Trustees for the University with pay, owing to sickness, ...".
36.31	Coordination between Board and Technical colleges on 1 course offerings	Leave as is	Do not add
	Coordination of Tech college courses that are eligible for 2 transfer of credits	Leave as is	Do not add
	DOA must approve fees charged by higher education aids board for federal financial 3 aid administration	Leave as is	Do not add
36.32(1)&(2)	Prohibits use of social security numbers as student ID numbers	Amend to include "University of Wisconsin" within the definition of "institution of higher education" <i>w/ added higher</i>	Adopt as is except definition of "institution of higher education" should refer to University
36.33	Legislative authorization to sell certain specified agricultural lands and restrictions on use of 1 proceeds	Delete	Check if all land referenced has been sold. If yes, delete. If not, then review to see if desirable.
	Prescribing methods of sale of agricultural lands, authorizing imposition of special municipal assessments on lands used for 2 Research Park	Delete	Check if all land referenced has been sold. If yes, delete. If not, then review to see if desirable.
	Sale, lease and purchase of agricultural lands subject to 3 Building Commission approval	Delete.	Check if all land referenced has been sold. If yes, delete. If not, then review to see if desirable.
	Restrictions on use of proceeds from sale of agricultural lands; excess funds to be placed in a special fund and used upon consent of Board and Building 4 Commission authorization	Delete	Check if all land referenced has been sold. If yes, delete. If not, then review to see if desirable.

	Provides that specified lands in City of Madison are subject to property taxes if used for 5 commercial purposes	Check if all land referenced has been sold. If yes, delete. If not, then review to see if desirable.
36.335	Sale of other land	Delete
36.34(1)	Minority student programs - eligibility and funding for the Lawton grant program	Adopt to the extent that appropriation is provided to University for this purpose
36.35	Misconduct; campus security	
	Misconduct and campus security. Grants Board authority to establish conditions under which students can be expelled or suspended, delegate power to suspend or expel, and promulgate rules under Ch. 227 governing student conduct and 1 administration of violations	Give Board of Trustees authority to establish rules/procedures for handling misconduct and campus security.
	Grants institutions the authority to restrict presence of persons 2 on campus	Leave as is
	Prohibits persons convicted of crimes due to conduct that impairs institutional activities and who have been suspended or expelled as a result of such conduct from entering property of the institution without 3 permission of the Chancellor	Leave as is
36.36	Provides for grants for study abroad, according to need as determined by the board, and funded from an appropriation administered by the Board	Adopt to the extent that appropriation is provided to University for this purpose; modify (3) to remove reference to "associate" degree.

Ch. 36 Cite	Subject	Changes to Ch. 36	Add to New Ch. 37
	Conservation and preservation of Downer Woods and buildings	Leave as is	Do not add
36.37	Prohibits free and discounted tickets to student and age-based discounts ok	Leave as is	Do not add
36.39	Free and discount tickets ok in some cases	Leave as is	Do not add
1	3 free and discount tickets ok in add'l cases	Leave as is	Do not add
2	3 free and discount tickets ok in add'l cases	Leave as is	Do not add
36.395	Regulates fees for use of golf course	Delete	Do not add
36.40	Animal research standards	Leave as is	Adopt as is
36.43	Accommodation of religious beliefs	Leave as is	Adopt as is but substitute in (4) "University" for "each institution"
36.44	License plate scholarship programs		Amend to make specific to University [s. 341.14(6r)(f)(38)] and allow for transfer of s. 341.14(6r)(b)4 funds
	1 Requires license plate scholarship programs	Amend to delete inclusion of s. 341.14(6r)(f)(38)	Adopt as is
	2 Funds from Madison plates to athletics	Delete	
36.45	GPR-funded research	Leave as is	Do not add
1	budget request requirements	Leave as is	Do not add
2	fiscal estimate requirements	Leave as is	Do not add
3	reporting requirements	Leave as is	Do not add
36.46	Rules governing auxiliary reserves		
	Restrictions regarding reserve funds from		
1	student fees	Leave as is	
2	Reporting requirements	Leave as is	
36.48	AODA prevention/intervention programs		
36.49	Environmental program grants/scholarships	Amend to delete reference to UW-Madison	Adopt as is contingent upon appropriation of sufficient funds for this purpose
	1 need based grants to UW-Madison students	Delete	Do not add
2	need based grants to extension students		
36.51	Nutritional improvement for elderly		
1	Definitions	Leave as is	Delete (b) "Institutions"
2	Establishment of Elderly meal plans	Leave as is	Amend to make specific to University
3	Plan requirements	Leave as is	Amend to make specific to University
4	Space Requirements	Leave as is	Amend to make specific to University
5	Service/Transportation/Consolidation	Leave as is	Delete last sentence
6	Reimbursement	Leave as is	Amend to make specific to University
7	Nutritional Standards	Leave as is	Amend to make specific to University
8	Documentation of Residency	Leave as is	Amend to make specific to University
9	Rules	Leave as is	Adopt as is
36.52	B		To extent appropriation continues, make specific to University
36.53	Tuition gift certificates	Leave as is	
1	Establishment	Leave as is	Amend (a) to make specific to University
2	Charge Limit	Leave as is	Do not add
36.54	Environmental education board/grants	Amend subsection (2)(a)2. to include reference to University of Wisconsin	Do not add
36.55	Reporting employment harassment claims	Leave as is	Do not add

see 865(1)(c)

2

		Adopt as is so long as there are appropriations for this purpose, except reference to s. 36.11 needs to change to appropriate reference in ch. 37
36.56	Grants for forestry cooperatives	Delete
36.58	Veterinary diagnostic laboratory	Delete
36.59	Information technology	
1	Strategic Plan	Leave as is
2	High-Risk Projects	Leave as is
3	Commercially Available Products	Leave as is
4	Master Lease	Leave as is
5	High-Cost Projects	Leave as is
6	Open-Ended Contracts	Leave as is
7	Reports	Leave as is
7m	IT Reports	Leave as is
8	Computer Services Data Collection	Delete
	Physician and dentist loan assistance program	All provisions related to dentists stays Ch. 36 and all provisions related to physicians goes to Ch. 37
1	Definitions	
2	Eligibility	
3	Agreement	(3)(b) should read, the Agreement shall specify the responsibility of the Trustees to make the payments under the Agreement is subject to the appropriation of funds for this program
4	Loan Repayment	
4m	Loan Repayment-Rural Physicians	The obligation of the Trustees to make payments under Agreements entered into under (3)(b) is subject to the appropriation of funds for this specific purpose; modify (d) to say "does not create a right of action against the state or its instrumentalities..." Delete the last sentence.
	Availability of Funds; Right of Action Against State	(6m)(b) should read that penalties collected shall be used for the program
6	Local Participation	(8)(h) delete reference to s. 20.285
6m	Penalties	
8	Administration	
9	Expanded Loan Assistance Program	All provisions related to dental hygienists stays with Ch. 36 and all provisions related to physician assistants and nurses goes to Ch. 37 (see s. 36.60 for similar proposed changes).
36.61	Health care provider loan assistance	
1	Definitions	
2	Eligibility	
3	Agreement	
4	Loan Repayment	

	Availability of Funds; Right of Action Against	
5	State	
6	Local Participation	
6m	Penalties	
7	Administration	
8	Expanded Loan Assistance Program	Adopt except remove references to dentist loan assistant program; and change "Board" to "Trustees"
36.62	Rural health development council	Take out references to physician loan assistant program
	Rural physician residency assistance	
36.63	program	
1	Definitions	Adopt as is
2	Establishment/Support	Adopt as is
		Adopt as is except at (3) plan should be contingent upon receiving appropriations for this purpose; amend s. 20.285 references
3	Plan of Increase	Delete
4	Reporting	Delete
		Adopt as is

Grant, Peter

From: Rutherford, Lisa [LRUTHERFORD@vc.wisc.edu]
Sent: Thursday, January 27, 2011 6:44 PM
To: Grant, Peter
Cc: Kunkel, Mark
Subject: RE: State treasurer?

Hi Peter:

The original Chapter 36 language specified that the Board of Regents treasurer was the State Treasurer. While it is not crucial for the state treasurer to serve as our corporate officer, we left it in to establish some additional demonstration that the State maintained adequate control and oversight over state-appropriated funds. This was a part of the case law analysis of the factors that are pertinent to maintaining sovereign immunity (See Lister v. Board of Regents case). We can certainly discuss other options if you are still concerned.

Lisa

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]
Sent: Thursday, January 27, 2011 1:52 PM
To: Rutherford, Lisa
Cc: Kunkel, Mark
Subject: State treasurer?

Lisa, we don't understand why you need the state treasurer to be the treasurer for the board of trustees for moneys appropriated to the authority under 20.280. We're also a little confused about what it means.

Peter

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB ▲

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

~~cancel~~

1/28/11

ISA

394.00

36.33 ?

Marlow 34

(1)

263-1408

Lisa Wilson

Mandy Lynch

36.29 & 36.395 ?

1

TC 1/28/11

- ① Univ. Ridge golf course
part of athletic dept.
transfer to auth.

36.29 (5) : RP (b)

36.395 RP

- ② 36.33
RE 1st Research Pk. } RP.

- ③ really want "Univ. of Wisconsin"
not law authority

RE 36.09 (4m) in ch. 37 :

want to preserve shared governance
for ~~current~~ employees of UW-MSN
who are currently academic staff

Ch. 36 Cite	Subject	Changes to Ch. 36	Add to New Ch. 37
36.12	Student discrimination	Leave as is	Adopt as is
1	Discrimination Prohibited	Leave as is	Modify to change "institutions" to "University"
2	Requires BOR to direct institutions to adopt policies & procedures to protect students;	Leave as is	
Requires BOR to submit report to legislature			
3	regarding complaints;	Delete - out of date	Do not add
36.13	Faculty tenure and probationary appointments		
1	Definitions	Leave as is	Adopt as is
2	Appointments	Leave as is	Adopt as is
3	Rules	Leave as is	Adopt as is but remove reference to "consultation with appropriate students" and remove reference to ch 227
4	Continuation of Appointment	Leave as is	Adopt as is
5	Procedural Guarantees	Leave as is	Adopt as is except remove reference to ch 227
6	Limitation	Leave as is	Adopt as is
36.14	Wisconsin Distinguished Professorships	Leave as is	Adopt (1) and (2) with reference to Trustees; delete (3) and (4)
36.15	Academic Staff Appointments		
1	Definitions		
2	Appointments	Leave as is	
2m	Librarian Appointments	Leave as is	
3	Procedural Guarantees	Leave as is	

Ch. 36 Cite	Subject	Changes to Ch. 36	Add to New Ch. 37
36.17	Limited Appointments		
1 Description of appointment	Leave as is	Do not add	
2 Application	Leave as is	Do not add	
36.19 Other Appointments	Leave as is	Do not add	
		Give authority to Trustees to terminate appointments when financial emergency exists notwithstanding any other provisions in Ch. 37 which grant tenure or other rights to continuing employment. Adopt remainder two sentences as is with reference to Trustees.	
36.21 Lapse of Appointments	Leave as is	Replace "regent" with "trustee"; replace "system" with "University".	
36.23 Conflict of Interest	Leave as is		
36.25 Special Programs	See separate spreadsheet		
	All tuition provisions subject to revision based on flexibilities granted.		
36.27 Establishment		Adopt (1)(a) to give authority to Trustees to establish and manage all aspects of tuition. Add provision that states all following subsections will expire the earlier of the following: July 1, 2012 or action by Board of Trustees.	
	Limitation of Increase; classifications	Leave as is	
am Increase academic fees	Leave as is	Do not add	
b Elder Audit	Leave as is	Adopt as is as long as expiration language in (1) exists	
bm Report to Legislature	Leave as is	Do not add	
c Master Level Charges	Leave as is	Do not add	
2 Non-resident Tuition Exceptions	Leave as is	Adopt as is as long as expiration language in (1) exists	
a Declaration of Exception	Leave as is	Adopt as is as long as expiration language in (1) exists	
(a)-(cm) Exceptions	Leave as is	Adopt as is as long as expiration language in (1) exists	

	2m Appeals	Leave as is	Adopt as is as long as expiration language in (1) exists
	3 Tuition Remissions		Delete "Within the limits established by section 20.285(2)(d)." Change "fees" to "resident tuition" and delete reference to s. 20.285
	(a)-(g) Remission Circumstances	Leave as is	
			Adopt as long as expiration language in (1) exists, and also change title to "resident tuition" rather than "fee". Check all other locations for change as well
3m	Fee Remission for Survivors	Leave as is	Adopt as long as expiration language in (1) exists, and also change title to "in-state tuition" rather than "fee". Check all other locations for change as well
3n	Family of Veteran Remissions	Leave as is	
3p	Veteran Remissions	Leave as is	Adopt as long as expiration language in (1) exists, and also change title to "resident tuition" rather than "fee". Check all other locations for change as well
3r	Remissions for Funeral Assistants	Leave as is	Adopt as long as expiration language in (1) exists, and also change title to "resident tuition" rather than "fee". Check all other locations for change as well
4	Tuition Award Program	Leave as is	
5	Fee Statement		Delete entire section and subparts
a	State Funds Definition	Leave as is	delete
b	Funding Statement	Leave as is	delete
d	Segregated Fees Statements	Leave as is	delete
36.29	Gifts, golf course	Leave as is	Modify title to "Gifts" only
	Receipt and investment of gifts, grants and bequests	Leave as is	Adopt as is except delete "but no such income accumulation shall be allowed to produce a fund..." Delete sentence beginning "Except as otherwise provided in this section, the board..."
	Acceptance and use of gifts, grants and bequests	Leave as is	Adopt but remove reference to president, and remove references to "system" and "its institutions" and replace with "University"

	Discretion to determine groups eligible to benefit from gifts, 3 grants and bequests	Leave as is	Adopt as is
	Prohibition on commingling 4 funds	Leave as is	Adopt but change "institution" to "University"
	Requires legislative approval to 5 own or operate golf courses	Delete reference to UW-Madison	Do not add
	Requires building commission approval to accept gifts of land 6 over \$30,000	Leave as is	Do not add
	Requires building commission or DOA approval to accept a gift of 7 a building	Leave as is	Do not add
	Sick leave regulated by rules of 36.30 Board	Leave as is	Adopt except replace "persons holding positions..." with "all employees of the Board of Trustees for the University with pay, owing to sickness, ..."
36.31	Coordination between Board and Technical colleges on 1 course offerings	Leave as is	Do not add
	Coordination of Tech college courses that are eligible for 2 transfer of credits	Leave as is	Do not add
	DOA must approve fees charged by higher education aids board for federal financial 3 aid administration	Leave as is	Do not add
36.32(1)&(2)	Prohibits use of social security numbers as student ID numbers 36.33	Amend to include "University of Wisconsin" within the definition of "institution of higher education"	Adopt as is except definition of "institution of higher education" should refer to University
	Legislative authorization to sell certain specified agricultural lands and restrictions on use of 1 proceeds	1 RQ 64	7

	Prescribing methods of sale of agricultural lands, authorizing imposition of special municipal assessments on lands used for Research Park		
	Sale, lease and purchase of agricultural lands subject to Building Commission approval		
	Restrictions on use of proceeds from sale of agricultural lands; excess funds to be placed in a special fund and used upon consent of Board and Building Commission authorization		
	Provides that specified lands in City of Madison are subject to property taxes if used for commercial purposes		
36.335	Sale of other land	Leave as is	Adopt but delete "Except as provided in 36.33 ... July 1, 2009." Start with The Trustees shall credit the net Change board to trustees and make sure appropriation cross-references are correct - need our new Chapter 20 reference.
36.34(1)	Minority student programs - eligibility and funding for the Lawton grant program	Leave as is	Adopt to the extent that appropriation is provided to University for this purpose
36.35	Misconduct, campus security		

	Misconduct and campus security. Grants Board authority to establish conditions under which students can be expelled or suspended, delegate power to suspend or expell, and promulgate rules under Ch. 227 governing student conduct and 1 administration of violations	Leave as is	Give Board of Trustees authority to establish rules/procedures for handling misconduct and campus security.
	Grants institutions the authority to restrict presence of persons 2 on campus	Leave as is	Adopt but revise to be specific to University only
	Prohibits persons convicted of crimes due to conduct that impairs institutional activities and who have been suspended or expelled as a result of such conduct from entering property of the institution without 3 permission of the Chancellor	Leave as is	Adopt but revise to be specific to University only
36.36	Provides for grants for study abroad, according to need as determined by the board, and funded from an appropriation administered by the Board	Leave as is	Adopt to the extent that appropriation is provided to University for this purpose; modify (3) to remove reference to "associate" degree.

Ch. 36 Cite Subject	Changes to Ch. 36	Add to New Ch. 37
Conservation and preservation of Downer Woods and buildings	Leave as is	Do not add
36.37 Prohibits tree and discounted tickets	Leave as is	Do not add
1 student and age-based discounts ok	Leave as is	Do not add
2 free and discount tickets ok in some cases	Leave as is	Do not add
3 free and discount tickets ok in add'l cases	Leave as is	Do not add
36.395 Regulates fees for use of golf course	Delete	Do not add
36.40 Animal research standards	Leave as is	Adopt as is Adopt as is but substitute in (4) "University" for "each institution"
36.43 Accommodation of religious beliefs	Leave as is	
36.44 License plate scholarship programs		
1 Requires license plate scholarship programs	Amend to delete inclusion of s. 341.14(6)(f)(38)	Amend to make specific to University [s. 341.14(6)(f)(38)] and allow for transfer of s. 341.14(6)(b)4 funds
2 Funds from Madison plates to athletics	Delete	Adopt as is
36.45 GPR-funded research		
1 budget request requirements	Leave as is	Do not add
2 fiscal estimate requirements	Leave as is	Do not add
3 reporting requirements	Leave as is	Do not add
36.46 Rules governing auxiliary reserves		
Restrictions regarding reserve funds from student fees	Leave as is	Do not add
2 Reporting requirements	Leave as is	Do not add
36.48 AODA prevention/intervention programs	Amend to delete reference to UW-Madison	Adopt as is
36.49 Environmental program grants/scholarships	Leave as is	
1 need based grants to UW-Madison students	Delete	Adopt as is contingent upon appropriation of sufficient funds for this purpose
2 need based grants to extension students	Leave as is	Do not add
36.51 Nutritional improvement for elderly		
1 Definitions	Leave as is	Delete (b) "Institutions"
2 Establishment of Elderly meal plans	Leave as is	Amend to make specific to University
3 Plan requirements	Leave as is	Amend to make specific to University
4 Space Requirements	Leave as is	Amend to make specific to University
5 Service/Transportation/Consolidation	Leave as is	Delete last sentence
6 Reimbursement	Leave as is	Amend to make specific to University
7 Nutritional Standards	Leave as is	Amend to make specific to University
8 Documentation of Residency	Leave as is	Amend to make specific to University
9 Rules	Leave as is	Adopt as is
36.52 Reimbursement of pay supplement	Leave as is	To extent appropriation continues, make specific to University
36.53 Tuition gift certificates	Leave as is	Amend (a) to make specific to University
1 Establishment	Leave as is	Do not add
2 Charge Limit	Leave as is	Do not add
36.54 Environmental education board/grants	Amend subsection (2)(a)2. to include reference to University of Wisconsin	Do not add
36.55 Reporting employment harassment claims	Leave as is	Do not add

		Adopt as is so long as there are appropriations for this purpose, except reference to s. 36.11 needs to change to appropriate reference in ch. 37.
36.56 Grants for forestry cooperatives	Delete	To the extent that there are appropriations for this purpose, adopt as is except in (3m) reference to UW-Madison can be "University"; and delete (4) and (5)
36.58 Veterinary diagnostic laboratory	Delete	
36.59 Information technology		
1 Strategic Plan	Leave as is	Do not add
2 High-Risk Projects	Leave as is	Do not add
3 Commercially Available Products	Leave as is	Do not add
4 Master Lease	Leave as is	Do not add
5 High-Cost Projects	Leave as is	Do not add
6 Open-Ended Contracts	Leave as is	Do not add
7 Reports	Leave as is	Do not add
7m IT Reports	Leave as is	Do not add
8 Computer Services Data Collection	Delete	Do not add
Physician and dentist loan assistance program	All provisions related to dentists stays Ch. 36 and all provisions related to physicians goes to Ch. 37	
36.60		
1 Definitions		
2 Eligibility		(3)(b) should read, the Agreement shall specify the responsibility of the Trustees to make the payments under the Agreement is subject to the appropriation of funds for this program
3 Agreement		
4 Loan Repayment		
4m Loan Repayment-Rural Physicians		The obligation of the Trustees to make payments under Agreements entered into under (3)(b) is subject to the appropriation of funds for this specific purpose; modify (d) to say "does not create a right of action against the state or its instrumentalities..." Delete the last sentence.
Availability of Funds; Right of Action Against State		(6m)(b) should read that penalties collected shall be used for the program
6 Local Participation		(8)(h) delete reference to s. 20-285
6m Penalties		
8 Administration		
9 Expanded Loan Assistance Program		
36.61 Health care provider loan assistance	All provisions related to dental hygienists stays with Ch. 36 and all provisions related to physician assistants and nurses goes to Ch. 37 (see s. 36.60 for similar proposed changes).	
1 Definitions		
2 Eligibility		
3 Agreement		
4 Loan Repayment		

5 State	Availability of Funds; Right of Action Against	
6 Local Participation		
6m Penalties		
7 Administration		
8 Expanded Loan Assistance Program		Adopt except remove references to dentist loan assistant program; and change "Board" to "Trustees"
36.62 Rural health development council	Take out references to physician loan assistant program	
36.63 Rural physician residency assistance program		
1 Definitions	Delete	Adopt as is
2 Establishment/Support	Delete	Adopt as is
3 Plan of Increase	Delete	Adopt as is except at (3) plan should be contingent upon receiving appropriations for this purpose; amend s. 20.285 references
4 Reporting	Delete	Adopt as is

Ch. 36 Cite	Subject	Changes to Ch. 36	Add to New Ch. 37
36.11	Powers and duties of the board of regents		
Protection of people; Custody and management of property	Leave as is	Give Trustees power to promulgate rules but delete references to ch. 227	
2	Police authority	Leave as is	Give Trustees police power; delete reference to UW-Parkside
3	Admission of applicants	Leave as is	Give Trustees powers outlined in (a), delete (b), modify (c) to reference transfer of credits from any other to the University, and delete the rest.
4	Injunctive relief	Leave as is	Adopt as is
5	Insurance	Leave as is	Adopt as is except remove reference to system
6	Financial aids	Leave as is	Give Trustees power to make grants to students as in (a) and (b), but delete reporting requirements in (c)
7	Confer degrees	Leave as is	Adopt as is
8	Parking rules	Leave as is	Modify to delete reference to state treasury and to s. 20.285 (1)(h).
8e	Parking fees	Leave as is	Give Trustees general powers to establish parking fees; change reference to "faculty, academic and classified staff" to "employees"; delete last sentence of this paragraph
8m	Transportation Planning	Leave as is	Give Trustees general powers to establish transportation planning.
9	Condemnation	Leave as is	Adopt as is
10	University Fund	Delete ✓	Adopt as is
11	Surplus Money	Leave as is	Give Trustees general powers to invest as needed.
12	Library Depository	Leave as is	Give Trustees general powers to participate, without reference to s. 20.285
13	Auxiliary Reserves	Leave as is	Adopt as is
15	Tax deferred annuities	Leave as is	Adopt as is

181

15m	Football coaches pension plan	Leave as is	Adopt as is
16	Commencement of fall semester	Delete reference to medical school and vet school	Adopt as is
17	Sabbatical leave for instructional faculty	Leave as is	Adopt as is with reference to Trustees
18	Midwest Technology Development Institute	Leave as is	Do not add
19	Furnishing of services to school districts	Leave as is	Do not add
20	Controlled substances and controlled substance analogs; Discipline	Leave as is	Adopt as is
21	Orientation Program; Information on Sexual Assault and Sexual Harassment	Leave as is	Adopt as is with reference to Trustees directing University to follow this sec.
22	Board staff	Leave as is	Do not add
23	Compliance with environmental laws	Leave as is	Do not add
24	State Documents	Leave as is	Do not add
25	Training of Health Professionals	Leave as is	Do not add
26	Building Program Planning and Approval	Leave as is	Modify per "Construction" paragraph of DOA memo distributed 1/25/11
27	Condition of Financial Assistance	Leave as is	Adopt as is
28	Lease Agreement with UWHCA	Delete	Adopt as is
28m	Affiliation Agreement with UWHCA	Delete	Adopt as is
29	Other Agreements with UWHCA	Delete	Adopt as is except remove reference to s. 16.73
29m	Report on Expenditures	Leave as is	Do not add
29r	Economic Development Assistance Reporting	Leave as is	Do not add
31	Cooperative research on education programs	Leave as is	Do not add
32	Nursing Program	Leave as is	Do not add
33	Report of Management and Staff positions	Leave as is	Do not add
36	Aquaculture Demonstration Facility	Leave as is	Do not add
36m	School Safety research	Leave as is	Do not add
37	Extension Local Planning Program	Leave as is	Do not add
39	Gaylord Nelson Chair of Integrated Environmental Studies	Delete	Adopt as is
40	Center for Cooperatives	Delete	Do not add
43	Programming at UW- Green Bay	Leave as is	Do not add

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44	Report on courses	Leave as is	Do not add /
46	Fond du Lac Avenue Corridor Study	Leave as is	Do not add /
47	Armed Forces	Leave as is	Adopt as is /
48	Report on Utility Charges; Assessment of Certain Utility Charges	Delete /	Adopt as is but reference Trustees of University
49	Telecommunication services	Leave as is	Do not add
50	Reserve Officer Training Corps	Leave as is	Adopt as is
51	Automobile Allowance	Leave as is	Adopt as is but remove reference to president
52	Midwestern Higher Education Compact Dues	Leave as is	Do not add
54	Employee Reports	Leave as is	Do not add
55	Review of System Contracts with Research Companies	Leave as is	Do not add
New section Gifts, grants and donations		New Board needs authority to accept gifts, grants, loans, or other contributions and, if needed, to transfer moneys to UW Foundation to administer consistent with the terms of the gift, grant or donations.	
New section Regulation of affairs		(12) is and (13) will be in Jan. 31 year	Adopt everything from new s. 238.04 (new Commerce bill) except subsections (9), (10) and (11)
New section Construction projects			Give new Board authority to manage facilities funded from non-state sources (see "Construction" paragraph of DOA memo distributed 1/25/11).